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Attorneys for: Third-Party Defendant,
MARTIN FRANCHISES, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF TOXIC
SUBSTANCES CONTROL,

Plaintiff,

v.

PAYLESS CLEANERS, COLLEGE CLEANERS,
HEIDINGER CLEANERS, NORGE VILLAGE
CLEANERS, CAVA, INC., a California corporation,
LOBDELL CLEANERS, CITY OF CHICO,
NORCILLE R. WEISS, JANET L. WEISS, PAUL A
TULLIUS, VICTORIA L. TULLIUS, ROBERT H.
HEIDINGER, INEZ N. HEIDINGER, 5th AND IVY, a
general partnership, RICHARD C. PETERS AND
RAMONA W. PETERS, individually and as trustees of
the Peters Family Trust, BETTY M. ROLLAG,
RANDALL ROLLAG, and TAMI ROLLAG,

Defendants.

ROBERT H. HEIDINGER and INEZ N. HEIDINGER

Third-Party Plaintiffs,

v.

MARTIN FRANCHISES, INC.

Third-Party Defendant.

And Related Cross-Claims.

CASE NO: CIV. S-02-2389 LKK DAD

**STIPULATION OF DISMISSAL OF
THIRD-PARTY ACTION**

Complaint Filed: 10/31/02
Third-Party Complaint Filed: 02/03/03
Trial Date: 01/23/08

1 Defendant and Third-Party Plaintiff ROBERT H. HEIDINER, individually and as
2 substituted party for INEZ N. HEIDINGER (hereinafter "HEIDINGERS"), and Third-Party
3 Defendant MARTIN FRANCHISES INC., (hereinafter "MFI") acknowledge that:

4 1.) The HEIDINGERS are the only parties who have brought claims against MFI
5 and there are no other parties involved in the Third-Party Action brought by the
6 HEIDINGERS;

7 2.) MFI and the HEIDINGERS are unaware of any other party who has expressed an
8 interest in bringing or sought to bring a direct claim against MFI in this action;

9 3.) The HEIDINGERS agree to execute a Settlement Agreement and General
10 Release which will include in the terms that the parties shall bear their own costs, expenses and
11 attorneys' fees arising out of this action.

12 4.) The HEIDINGERS agree to dismiss MFI with prejudice.

13 5.) Each party agrees to bear his/her/its own costs.

14 IT IS HEREBY STIPULATED by and between the HEIDINGERS and MFI that the
15 Third Party Action between them is hereby dismissed with prejudice pursuant to F.R.C.P.,
16 Rule 41(a)(1) and (c) and that each party is to bear his/her/its own costs.

17 DATED: September 6, 2006 STAMMER, McKNIGHT, BARNUM & BAILEY LLP

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19 By: /s/ Celene M. E. Boggs

20 Celene M.E. Boggs, Attorneys for Third-Party
21 Defendant MARTIN FRANCHISES, INC.


22 DATED: August 30, 2006 ISOLA BOWERS, LLP

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24 By: /s/ David R. Isola

25 David R. Isola, Attorneys for Defendants
26 and Third-Party Plaintiffs ROBERT H. HEIDINGER,
and INEZ N. HEIDINGER.

1 IT IS HEREBY ORDRED that the Third Party Action filed by Defendants and Third-
2 Party Plaintiffs ROBERT H. HEIDINGER and INEZ N. HEIDINGER against Third-Party
3 Defendant MARTIN FRANCHISES, INC. is dismissed with prejudice and each party is to bear
4 his/her/its own costs.

5 DATED: September 11, 2006.
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9 LAWRENCE K. KARLTON
10 SENIOR JUDGE
11 UNITED STATES DISTRICT COURT
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